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EXAMINER
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ART UNIT	PAPER NUMBER
3628	

NOTIFICATION DATE	DELIVERY MODE
04/28/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	10/767,143	CHARROPPIN, PASCAL
	Examiner	Art Unit	
	SHANNON S. SALIARD	3628	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>12 February 2010</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-10</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-10</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Status of Claims

1.   Applicant has amended claims 1 and 5. Claims 11 and 12 have been cancelled.

Thus, claims 1-10 remain pending and are presented for examination.

Response to Arguments

2.   Applicant's arguments filed 12 February 2010, with respect to the rejection of

claims 5-10 under 35 U.S.C. § 112, First Paragraph, have been fully considered and are

persuasive. Thus, the rejection of claims 5-10 under 35 U.S.C. § 112, First Paragraph

has been withdrawn.

3.   Applicant's arguments and amendments, with respect to the rejections of claims

1-10 under 35 U.S.C. § 112, Second Paragraph, have been fully considered and are

persuasive. Thus, the rejections of claims 1-10 under 35 U.S.C. § 112, Second

Paragraph has been withdrawn.

4.   Applicant's arguments and amendments, with respect to the rejections of claims

5-10 under 35 U.S.C. § 101, have been fully considered and are persuasive. Thus, the

rejections of claims 5-10 under 35 U.S.C. § 101 has been withdrawn.

5.   Applicant's arguments, with respect to the rejections of claims 1-10 under 35

U.S.C. § 103 (a) with regard to the limitation "a processing unit comprising comparing

means for comparing one by one postal data in said first table of postal tariffs with

corresponding postal data in said second table of postal tariffs", have been considered

but are moot in view of the new ground(s) of rejection.

6.   Applicant's arguments filed, with respect to the rejections of claims 1-10 under 35

U.S.C. § 103 (a) with regard to the limitation "means for emitting to the operator of the

franking system a message alerting that postal data corresponding to the mail item to

be franked has been changed", have been fully considered but they are not persuasive.

Applicant argues, "Additionally, the Examiner alleges that Baum discloses that the scale

22 waits for an input, and once an input ensues, a handshake signal is sent to the scale

22 to check whether a conversion of the service data is required (Office Action, page 5).

The Examiner alleges that this disclosure corresponds to emitting at the time of franking

a message alerting that the postal data has been changed (Office Action, page 5).

Applicants respectfully submit that such disclosure of Baum merely corresponds to

processing but does not correspond to emitting a message to the operator. Thus, it is

respectfully submitted that claim 1 is also patentable over Baum and Dlugos because

the combined references do not disclose or suggest the claimed "means for emitting to

the operator of the franking system a message alerting that postal data corresponding

to the mail item to be franked has been changed." First the Examiner notes that the

rejection of this limitation was based on the combined teachings of Baum and Dlugos et

al. Baum discloses, "If no weight value from the scale 22 is identified and transmitted to

the postage meter machine, then this is determined in interrogation step 204 and a

branch is then made back to point s of the system routine 200. **The postage meter**

machine thus waits for an input from the scale 22. When this input ensues, a

handshake signal is sent to the scale 22 in the step 205 and a branch is then

made to step 206 in order to check whether a conversion is required, particularly

on the basis of a stored conversion date and the current date in step 207. Given a

requirement for a conversion, a branch is made to step 208 in order to implement

an updating of the service data in the memory areas of the non-volatile memory

16. A branch is then made back to the point s of the system routine. Otherwise,

the point t of the system routine 200 is reached. The input/display routine 209 contains

a number of interrogation steps, each thereof being individually interrogated. The

aforementioned German OS 195 34 530 discloses further interrogation steps. If no

further inputs are present, the step 300 is executed without communication. When no

further data were communicated, this being identified via the interrogation step 211, the

point b of the system routine 200 is reached." (col 8, lines 18-43). *Thus, Baum*

discloses emitting, at the time of franking, a message alerting that postal data

corresponding to the mail item to be franked has been changed. In addition, *Dlugos et*

al discloses emitting to the operator of the franking system a message alerting to the

expiration of tariffs (col 4, lines 32-35); and said device further comprises means for

emitting the alert message to the operator upon a determination that there is a change

in the postal tariffs (col 4, lines 32-35), whereupon the operator decides whether to

replace the postal tariffs of the first table with the postal tariffs of the second table (col 4,

lines 31-35; col 4, line 55- col 5, line 15; module "30" contains postal rate tables, and

user plugs in module "30" to download new rate data into module "30"). Therefore, the

combined teachings of Baum and Dlugos et al yield Applicant's claimed invention

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   **Claims 1-3, 6, 7, 9, and 10** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Baum et al (US 7,103,583) in view of Boothby (US 5,684,990) and

Dlugos et al (US 6,463,133).

As per **claim 1**, Baum et al discloses a device alerting to the expiration of tariffs

for a franking system, comprising a random access memory (RAM) for recording postal

data (col 4, line 63-col 5, line 10) including:

a first table of postal tariffs relative to postal products and services, said first table

of tariffs comprising postal tariffs applicable before a date of application (col 6, lines 34-

54, memory area '16-02'),

a second table of postal tariffs relative to postal products and services, said

second table of tariffs comprising postal tariffs applicable after said date of application

(col 6, lines 34-54, memory area '16-01'); and

wherein said processing unit further comprises means for emitting to a franking

system, a message alerting that postal data corresponding to the mail item to be

franked has been changed, if it has been determined from said comparison of said

postal data that at least one of the postal data corresponding to the mail item to be

franked has changed (col 8, lines 53-62, communicating an instruction to implement a

conversion).

Although Baum et al does not explicitly disclose a processing unit comprising

comparing means for comparing one by one postal data in said first table of postal

tariffs with corresponding postal data in said second table of postal tariffs, Baum et al

does disclose the release order number of the previous postage fee schedule (first

table) is compared to the version number of the postage fee schedule to be loaded in

the future (second table) (col 7, lines 45-54). Furthermore, Baum et al further discloses

that the release number is the combination of a version and revision number (col 10,

lines 22-24, revision number indicates that there is a change in data). While in Baum

et al the release numbers of the tables are compared instead of the postal tariffs of the

tables, it would have been obvious to one of ordinary skill in the art at the time of the

invention to compare the postal tariffs in the tables instead of the release date for the

similar reason of indicating a change in postal tariffs and to yield the predicted outcome

of ensuring that the postal tariffs being utilized in the franking machine are valid and

updated, as suggested by Baum et al (col 7, lines 46-48). Furthermore, Boothby

shows the known technique of comparing one by one data in a first table with

corresponding data in a second table to determine that at least one of the data has

changed (Abstract; col 5, line 58-col 6, line 39; col 9, lines 25-35). This known

technique is applicable to the system of Baum as they both share characteristics and

capabilities, namely, they are directed to synchronizing databases. One of ordinary

skill in the art would have recognized that applying the known technique of Boothby

would have yielded predictable results and resulted in an improved system. It would

have been recognized that applying the known technique of Boothby to the teachings

of Baum would have yielded predictable results because the level of ordinary skill in

the art demonstrated by the references applied shows the ability to incorporate such

data synchronization features into similar systems. Further, applying the comparison

of the data one by one to Baum with the postal data stored accordingly would have

been recognized by those of ordinary skill in the art as resulting in an improved system

that would allow better accuracy.

     While Baum et al discloses means for emitting to a franking system a message

alerting that postal data corresponding to the mail item to be franked has been

changed, if it has been determined from said comparison of said postal data that at

least one of the postal data corresponding to the mail item to be franked has changed

(col 8, lines 53-62, communicating an instruction to implement a conversion), Baum et

al does not disclose emitting a message to the operator of the franking system; and

means for receiving a decision of the operator whether to replace the postal tariffs of

the first table with the postal tariffs of the second table, for updating the postal tariffs at

the operator's request.

     However, Dlugos et al discloses emitting to the operator of the franking system a

message alerting to the expiration of tariffs (col 4, lines 32-35); and said device further

comprises means for emitting the alert message to the operator upon a determination

that there is a change in the postal tariffs (col 4, lines 32-35), whereupon the operator

decides whether to replace the postal tariffs of the first table with the postal tariffs of the

second table (col 4, lines 31-35; col 4, line 55- col 5, line 15; module "30" contains

postal rate tables, and user plugs in module "30" to download new rate data into

module "30"). It would have been obvious to one of ordinary skill in the art to include in

the postal system of Baum et al in view of Boothby the ability to emit to an operator that

postal tariffs are expiring, and allow the operator to replace the expired tables as taught

by Dlugos et al since the claimed invention is merely a combination of old elements,

and in the combination each element merely would have performed the same function

as it did separately, and one of ordinary skill in the art would have recognized that the

results of the combination were predictable.

As per **claim 2**, Baum et al further discloses wherein said second table of postal

tariffs is loaded in the franking system at a periodicity defined by the Postal Service (col

9, lines 22-25).

As per **claim 3**, Baum et al further discloses wherein said second table of postal

tariffs is loaded in the franking system from a remote resetting centre (col 3, lines 6-7).

As per **claim 6**, Baum et al further discloses wherein the new postal data are

stored at the location of the current postal data when the operator has accepted the

updating of these postal data (col 4, lines 12-22).

As per **claim 7**, Baum et al further discloses wherein the current postal data are

stored in a blank part of the RAM, to be kept for control purposes (col 6, lines 14-17;

col 7,lines 58-61).

As per **claim 9**, Baum et al discloses wherein the postal data comprise postal

tariffs (col 12, lines 52-54).

As per **claim 10**, Baum et al further discloses wherein the postal data comprise postal products and services (col 12, lines 52-54).

9.   **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Baum et al (US 7,103,583) in view of Boothby (US 5,684,990) and Dlugos et al (US 6,463,133) as applied to claim 1, and in further view of Thiel (US 6,321,214).

As per **claim 4**, While Baum et al in view of Boothby and Dlugos et al disclose loading a second table of postal tariffs in the franking system (Baum et al: col 7, lines 45-54), Baum et al in view of Boothby and Dlugos et al do not disclose wherein said second table of postal tariffs is loaded in the franking system whenever credit is reloaded. However, Thiel discloses wherein said second table of postal tariffs is loaded in the franking system whenever credit is reloaded (col 22, lines 18-25). Therefore it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Baum et al in view of Boothby and Dlugos et al to include the method disclosed by Thiel for the advantage of convenience, efficiency, and in order to be sure the proper rates are always present on the customer system. Furthermore, it would have been obvious to one of ordinary skill in the art to include in the postage system of the modified Baum et al the ability to load a new tariff table when credit is reloaded as taught by Thiel since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

10.   **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Baum et

al (US 7,103,583) in view of Boothby (US 5,684,990) and Dlugos et al (US 6,463,133)

as applied to claim 1, and in further view of Official Notice.

As per **claim 5**, Process for alerting to the expiration of tariffs for a franking

system comprising:

a first table of postal tariffs relative to postal products and services, said first table

of tariffs comprising postal tariffs applicable before a date of application (col 6, lines 34-

54, memory area '16-02'),

a second table of postal tariffs relative to postal products and services, said

second table of tariffs comprising postal tariffs applicable after said date of application

(col 6, lines 34-54, memory area '16-01'); and

wherein said processing unit further comprises means for emitting to a franking

system, at the time of franking, a message alerting that postal date corresponding to

the mail item to be franked has been changed, if it has been determined that at least

one of the postal data corresponding to the mail item to be franked has changed (col 8,

lines 53-62, communicating an instruction to implement a conversion).

Although Baum et al does not explicitly disclose a processing unit comprising

comparing means for comparing one by one postal data in said first table of postal

tariffs with corresponding postal data in said second table of postal tariffs, Baum et al

does disclose the release order number of the previous postage fee schedule (first

table) is compared to the version number of the postage fee schedule to be loaded in

the future (second table) (col 7, lines 45-54). Furthermore, Baum et al further discloses

that the release number is the combination of a version and revision number (col 10,

lines 22-24, revision number indicates that there is a change in data). While in Baum

et al the release numbers of the tables are compared instead of the postal tariffs of the

tables, it would have been obvious to one of ordinary skill in the art at the time of the

invention to compare the postal tariffs in the tables instead of the release date for the

similar reason of indicating a change in postal tariffs and to yield the predicted outcome

of ensuring that the postal tariffs being utilized in the franking machine are valid and

updated, as suggested by Baum et al (col 7, lines 46-48). Furthermore, Boothby

shows the known technique of comparing one by one data in a first table with

corresponding data in a second table to determine that at least one of the data has

changed (Abstract; col 5, line 58-col 6, line 39; col 9, lines 25-35). This known

technique is applicable to the system of Baum as they both share characteristics and

capabilities, namely, they are directed to synchronizing databases. One of ordinary

skill in the art would have recognized that applying the known technique of Boothby

would have yielded predictable results and resulted in an improved system. It would

have been recognized that applying the known technique of Boothby to the teachings

of Baum would have yielded predictable results because the level of ordinary skill in

the art demonstrated by the references applied shows the ability to incorporate such

data synchronization features into similar systems. Further, applying the comparison

of the data one by one to Baum with the postal data stored accordingly would have

been recognized by those of ordinary skill in the art as resulting in an improved system
that would allow better accuracy.

While Baum et al discloses means for emitting to a franking system, at the time
of franking, a message alerting that postal date corresponding to the mail item to be
franked has been changed, if it has been determined that at least one of the postal
data corresponding to the mail item to be franked has changed (col 8, lines 53-62,
communicating an instruction to implement a conversion), Baum et al does not disclose
emitting a message to the operator of the franking system; and means for receiving a
decision of the operator whether to replace the postal tariffs of the first table with the
postal tariffs of the second table, for updating the postal tariffs at the operator's
request.

However, Dlugos et al discloses emitting to the operator of the franking system a
message alerting to the expiration of tariffs (col 4, lines 32-35); and said device further
comprises means for emitting the alert message to the operator upon a determination
that there is a change in the postal tariffs (col 4, lines 32-35), whereupon the operator
decides whether to replace the postal tariffs of the first table with the postal tariffs of the
second table (col 4, lines 31-35; col 4, line 55- col 5, line 15; module "30" contains
postal rate tables, and user plugs in module "30" to download new rate data into
module "30"). It would have been obvious to one of ordinary skill in the art to include in
the postal system of Baum et al the ability to emit to an operator that postal tariffs are
expiring, and allow the operator to replace the expired tables as taught by Dlugos et al
since the claimed invention is merely a combination of old elements, and in the

combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Baum does not explicitly disclose when it is determined that the current postal data has not changed, franking the mail item with the current postal data using a franking machine even though the date of application of the current postal data is out of date. However, the Examiner takes Official Notice that it is old and well known in the art at the time of the invention to continue to operate a franking machine with the current postal data when it is determined that the postal data has not changed. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of the modified Baum to include franking the mail item with the current postal data when it is determined that the current postal date has not changed so that there is no disruption in service.

While Baum in view of Boothby and Dlugos et al disclose a decision of the operator of whether to replace the current postal data with new postal data, Baum and Dlugos do not disclose receiving the decision on a keyboard. However, the Examiner takes Official Notice that it is old and well known in the art at the time of the invention to receive a decision from an operator via a keyboard. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the modified Baum to include receiving on the keyboard a decision by the operator because a keyboard is a known way to receive instructions from an operator.

11.   **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Baum et

al (US Patent 7,103,583) in view of Boothby (US 5,684,990), Dlugos et al (US

6,463,133), and Official Notice as applied to claim 5, and in further view of Eckert (US

4,516,014).

As per **claim 8,** While Baum et al in view of Boothby, Dlugos et al, and Official

Notice disclose emission of a message alerting to the expiring of tariffs (Dlugos et al: col

4, lines 32-35), Baum et al in view of Dlugos et al and Official Notice do not disclose

wherein the emission of the message alerting to the expiration of tariffs is inhibited by

the operator except for the first such message after the franking system has been put

into operation. However, Eckert discloses wherein emission of an alerting message is

inhibited by an operator except for the first such message after the franking system has

been put into operation (col 8, line 66-col 9, line 14, Examiner interprets a message to

be the same as a warning light). It would have been obvious to one of ordinary skill in

the art to include in the postage system of the modified Baum et al the ability to inhibit

an alerting message as taught by Eckert since the claimed invention is merely a

combination of old elements, and in the combination each element merely would have

performed the same function as it did separately, and one of ordinary skill in the art

would have recognized that the results of the combination were predictable.

Conclusion

12.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to SHANNON S. SALIARD whose telephone number is

(571)272-5587. The examiner can normally be reached on Monday - Friday, 8:00 am -

4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

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Shannon S Saliard
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